

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 4, 10, 16, 20, 23, 26 and 28-30 are cancelled. Claims 1-3, 5-9, 11-15, 17-19, 21-22, 24-25 and 27 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 2, 5-6, 8, 11-12, 14, 17-18, 21, 24, and 27 have been amended solely to have the claims better conform with U.S. practice. No narrowing amendments have been included, and no new matter has been added.

In the Office Action, the Examiner rejected claims 1-19, 21-22, 24-25 and 27-30 under 35 U.S.C. § 103(a) as being unpatentable over Zhang (U.S. Patent No. 6,181,711). Claims 4, 10, 16, and 28-30 are cancelled. It is submitted that the remaining claims are patentably distinguishable over Zhang.

The Zhang patent describes a bit rate conversion device that adjusts the bit rate of an input bit stream to match the capacity of a channel. A separation unit demultiplexes the input bit stream to obtain a video bit stream, an audio bit stream, and a data bit stream. A decoder and extractor unit parses timing, programming and auxiliary information from the video stream and decodes the video stream into a transform coefficient stream, a motion vector stream and an auxiliary information stream. Modification units reduce the number of bits in the transform coefficient, motion vector and auxiliary information streams under the control of a control signal that is received from a rate controller and which indicates the amount of conversion to be carried out or the desired output stream bit rate of the bit rate converter. The rate controller, in turn, *receives feedback commands*, such as from a transmitter or a modem, *that specify the output stream bit rate*. An encoder codes the modified transform coefficient, motion vector and auxiliary information streams to form an encoded stream. A

combining unit multiplexes the encoded video stream received from the encoder and the audio stream and the data stream *received directly from the separation unit* to form an output stream. (See Figs. 2A, 2C and 3-5; col. 6, lines 37-49; col. 8, lines 30-33 and 58-62; col. 10, line 3 - col. 11, line 5; and col. 11, lines 42-65).

Though the Examiner acknowledges that Zhang fails to teach reencoding the first stream on the basis of a bit rate of the second stream, the Examiner contends that it would have been obvious to determine the bit rate of the re-encoded video stream by subtracting the audio bit rate and the data stream bit rate from the output stream bit rate. However, Zhang does not disclose or suggest determining the bit rate of the audio stream or the bit rate of the data stream. Rather, Zhang shows, in Figs. 4 and 5, that the separation unit delivers the audio stream and data stream *directly to the combining unit* to be multiplexed with the encoded, modified video stream without determining the audio stream bit rate or the data stream bit rate.

Zhang does not suggest:

an analyzing unit operable to determine an input
bit rate of the second stream

as called for in claim 1.

Moreover, Zhang describes that the bit rate of the video stream is adjusted under the control of a signal received from a rate controller that *receives feedback commands* from a transmitter or a modem *that specify the bit rate for the output stream*. The rate controller then adjusts the bit usage of each video frame using the specified *output stream bit rate*. (See col. 10, lines 33-45; and col. 11, lines 47-65). The reference does not suggest that the rate controller *receives the audio stream bit rate*, does not suggest that the rate controller *receives the data stream bit rate*, and thus does not suggest

that the video stream bit rate is adjusted on the basis of *the audio stream bit rate* or on the basis of *the video stream bit rate*. Moreover, as noted above, Zhang does not provide any suggestion that the audio bit rate or the data bit rate is determined, and thus the patent provides no indication as to how such information would be made available to the rate controller.

Therefore, Zhang does not suggest:

a controller operable to control coding conditions for reencoding the decoded first stream, the coding conditions including an output bit rate of the first stream that is determined on the basis of an output bit rate of the second stream and the total bit rate of the output multiplexed stream, the output bit rate of the second stream being set to be identical to the input bit rate of the second stream

as defined in claim 1.

It follows that Zhang does not suggest the information processing apparatus of claim 1, and claim 1 is therefore patentably distinct and unobvious over Zhang.

Claims 2-3 and 5-6, 19 and 21 depend from claim 1, and each further defines and limits the invention set out in the independent claim. It follows that each of claims 2-3 and 5-6, 19 and 21 are likewise distinguishable over Zhang for at least the same reasons.

Independent claim 7 defines a method for reencoding an input multiplex stream to provide an output multiplex stream and includes limitations similar to those set out in claim 1. Therefore, claim 7 is patentably distinct and unobvious over Zhang for at least the same reasons.

Claims 8-9, 11-12, 22 and 24 depend from claim 7 and are distinguishable over the cited reference at least for the same reasons.

Independent claim 13 calls for a recording medium recorded with a computer readable program for carrying out the

method recited in claim 7. Therefore, claim 13 is patentably distinct and unobvious over Zhang for at least the same reasons.

Claims 14-15, 17-18, 25 and 27 depend from claim 13 and are distinguishable over the cited art at least for the same reasons.

Accordingly, the withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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